

# **RULES AND REGULATIONS**

**2 VAC 5-120-10 through 2 VAC 5-120-80**

(Previously VR 115-02-10)

Governing the

## **RECORDKEEPING BY VIRGINIA CATTLE DEALERS FOR THE CONTROL OR ERADICATION OF BRUCELLOSIS OF CATTLE**

Virginia Department of Agriculture  
and Consumer Services

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## **RULES AND REGULATIONS**

### **Governing the Recordkeeping by Virginia Cattle Dealers For the Control or Eradication of Brucellosis of Cattle** (Previously (VR 115-02-10))

Promulgated Pursuant to  
Sections 3.1-724 and 3.1-730  
of the  
Code of Virginia of 1950

Adopted December 11, 1985  
Reprinted June 1998

## REGULATIONS 2 VAC 5-120-10 through 2 VAC 5-120-80

### Governing the RECORDKEEPING BY VIRGINIA CATTLE DEALERS FOR THE CONTROL OR ERADICATION OF BRUCELLOSIS OF CATTLE

Pursuant to the authority in Sections 3.1-724 and 3.1-730 of the Code of Virginia (1950) as amended, the Board of Agriculture and Consumer Services hereby adopts the following Rules and Regulations relating to the control of brucellosis affecting cattle through supervision of livestock in trade channels.

#### **2 VAC 5-120-10. Definitions.**

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

*“Agent”* means any person, firm, association, partnership, or corporation buying, receiving, soliciting, or negotiating the sale of animals for, or on behalf of, any dealer.

*“Cattle”* means all animals of the bovine species except steers and animals under one year of age.

*“Cattle dealer”* means any person, not a market agency, who routinely engages in the business of buying, selling, exchanging, or bartering cattle in the Commonwealth of Virginia for his own account or that of another person.

*“Department”* means the Virginia Department of Agriculture and Consumer Services.

*“Identification”* means sale or purchase units of cattle shall be identified so as to make them distinguishable from all other cattle. Those cattle which cannot be specifically identified by color, markings, or appearance shall be identified by a numerical insignia affixed to some part of the body of that animal. This numerical insignia may be, but is not limited to, one of the following: tattoo, brand, ear tag, back tag, or bangle tag.

*“Official health certificate”* means a certificate issued by a licensed graduate, accredited veterinarian approved by the health official of the state of origin; or issued by a veterinarian in the employment of the state of origin; or by a veterinarian in the employ of the Veterinary Services division, Animal and Plant Health Inspection Service, United States Department of Agriculture; or such other veterinarian as may be approved by the State Veterinarian. At a minimum, the certificate shall contain the names and exact destination of the animals or birds covered, and the current health status of these individuals with dates and results of all required tests. The certificate shall be legible and bear the endorsement of the livestock health official of the state of origin.

*“State Veterinarian”* means a Virginia Department of Agriculture and Consumer Services veterinarian employed by the Commissioner of Agriculture and Consumer Services who is responsible for the animal health programs in the Commonwealth of Virginia.

**2 VAC 5-120-20. Exceptions.**

Nothing in this regulation shall apply to:

- A. A person who sells only cattle which he has produced.
- B. A person who purchases only cattle for immediate (direct) slaughter.

**2 VAC 5-120-30. Dealer Registration.**

- A. Each cattle dealer or his agent in the Commonwealth of Virginia shall be registered with the State Veterinarian.
- B. A registration card will be issued to each cattle dealer or his agent, and that person shall have that card in his possession at all times while engaged in the business of dealing in cattle.

**2 VAC 5-120-40. Records.**

The records required shall include the following information, which shall be recorded immediately upon the completion of each transaction:

- A. Record of the identification of each animal.
- B. The name and address of the person or firm from whom the animal was purchased and the date of such purchase. If such animal was purchased at a cattle sale, the name and address of the selling agent and date of purchase shall be recorded.
- C. The name and address of the person or firm to whom the animal was sold and the date of such sale. If such animal was sold at a cattle sale, the name and address of the buying agent and date of such consignment shall be recorded.
- D. The breed (Example: Holstein, Hereford, Angus) or type (beef, dairy) of each animal.
- E. The date and result of any test performed for sale or movement of each animal, or a copy of any official test record.
- F. Each registered cattle dealer or his agent shall maintain a record of all cattle purchased, sold, or otherwise handled by him as defined in 2 VAC 5-120-10.
- G. The records as required in 2 VAC 5-120-40 of this regulation shall be kept in the possession of the cattle dealer or his agent for a period of at least two years after the date of each transaction.

**2 VAC 5-120-50. Inspection.**

Every cattle dealer or his agent, during all reasonable hours, shall permit the State Veterinarian or his representative to have access to and copy any records made and retained as required by this regulation. Such copies are for the express use of the department and further dissemination thereof is prohibited except as required by law.

**2 VAC 5-120-60. Identification not to be altered.**

The removal or altering of the identification of any cattle to the herd of origin by any dealer or his agent is prohibited.

**2 VAC 5-120-70. Out-of-state cattle.**

All cattle imported into Virginia shall comply with the health requirements governing the admission of cattle into Virginia. A copy of the official health certificate shall be delivered to the final purchaser by the dealer.

**2 VAC 5-120-80. Denial, suspension or cancellation of registration.**

- A. State Veterinarian shall have the authority, after due notice and opportunity for hearing to the individual or firm involved, to deny application for registration, or to suspend or cancel the registration of a cattle dealer when the State Veterinarian has determined that a cattle dealer or his agent has:

1. Violated state or federal laws or regulations governing the interstate or intrastate movement, shipment, or transportation of cattle.
  2. Made false or misleading statements in the application for registration.
  3. Sold cattle for dairy or breeding purposes which he knew were affected with brucellosis; or has made false or misleading statements as to the brucellosis status or official test results of the cattle.
  4. Removed or altered the identification of any cattle which would prevent the identification of such cattle to the herd of origin.
  5. Failed to carry out the requirements of this regulation.
  6. Made false or misleading entries in the records that are required by this regulation.
- B. Nothing in this regulation shall be construed as requiring the Department to report for prosecution or for the denial, suspension or cancellation of registration, minor violations of this regulation whenever it believes that the public interest will be adequately served by a suitable written notice or warning.